IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7606 of 2007()

CRIME NO. 201/07 OF KAKKUR POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.6759/2007

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PETITINER/ACCUSED

NOUSHEER @ NISHAD.A.K.
S/O.HUSSAIN, AGED 23 YEARS, AANAKKUZHIKKAL HOUSE
EENGAPPUZHA AMSOM, PADOOR DESOM.

BY ADV. SRI.K.ANTONY JOSEPH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POPLICE
KAKKUR POLICE STATION REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7606 of 2007

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Dated this the 10th day of December, 2007

O R D E R

Second application for regular bail. The petitioner faces allegations under Sections 395 I.P.C. He is the first accused. A carrier of Hawala money was allegedly attacked by accused 1 to 6, who were informed by the seventh accused that the victim was carrying such money. They proceeded in a vehicle, chased him and the defacto complainant/motor cyclist was knocked down by the car. The cash he was carrying was taken away. The miscreants escaped from the scene. Enroute they met with an accident. But they tried to escape. The local people caught hold of them. They continue in custody from 7.10.2007. The application for regular bail filed by the petitioner earlier was dismissed as per order dt.19.11.2007 in B.A.No. 6759 of 2007. Facts have been adverted to in detail in that order. This order must be read in continuation of that order. I am not hence adverting to facts in any greater detail in this order.

2. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail.

3. The learned Prosecutor opposes the application. Considering the gravity and seriousness of the crime and stage of the investigation, the petitioner may not be enlarged on bail at this stage.

4. In the facts and circumstance of the case, I find merit in the opposition by the learned Prosecutor. I am not persuaded to agree that the discretion under Section 439 Cr.P.C. can or deserves to be invoked in favour of the petitioner even now. The Investigators, in a serious crime like this, must be given sufficient time to complete the investigation, I am satisfied.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation, not at any rate, prior to 24.12.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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